

(ii) You have taken all reasonable steps to minimize the extent of the nonconformity.

(iii) No other allowances are available under the regulations in this chapter to avoid the impending violation.

(2) Send the Designated Certification Officer a written request for an exemption no later than January 1, 2014.

(3) Applicants must provide, at a minimum, the following information:

(i) Detailed description of existing contract freight rates, the additional operating costs attributed to complying with the regulations, any loan covenants or other requirements regarding vessel financial instruments or agreements.

(ii) Bond rating of entity that owns the vessels in question (in the case of joint ventures, include the bond rating of the joint venture entity and the bond ratings of all partners; in the case of corporations, include the bond ratings of any parent or subsidiary corporations).

(iii) Estimated capital investment needed to comply with the requirements of this part by the applicable date.

(4) In determining whether to grant the exemptions, we will consider all relevant factors, including the following:

(i) The number of vessels to be exempted.

(ii) The size of your company and your ability to endure the hardship.

(iii) The length of time a vessel is expected to remain out of compliance with this part.

(iv) The ability of an individual vessel to recover capital investments incurred to repower or otherwise modify a vessel to reduce air emissions.

(5) In addition to the application requirements of paragraphs (b)(1) through (4) of this section, your application for temporary relief under this paragraph (b) must also include a compliance plan that shows the period over which the waiver is needed.

(6) We may impose conditions on the waiver, including conditions to limit or recover any environmental loss.

(d) Prior to January 1, 2015, it is not a violation of this part for vessels operating exclusively in the Great Lakes to use a residual fuel not meeting the sul-

fur limits of Regulation 14.4.2 of Annex VI, where the operator bunkers with the lowest sulfur marine residual fuel that was available within the port area where the vessel bunkered the fuel. For purposes of this paragraph (c), port area means the geographic limits of the port as specified by the Army Corps of Engineers. The reporting and record-keeping requirements of this part continue to apply for such operation. In addition, if you operate using a residual fuel not meeting the sulfur limits of Regulation 14.4.2 under this paragraph (c), you must send a report to the Designated Certification Officer that identifies the fuel that was used and documents how you determined that no compliant fuel was available. You must send this report within three months after the fueling event.

[75 FR 23013, Apr. 30, 2010, as amended at 77 FR 2478, Jan. 18, 2012]

§ 1043.100 Reference materials.

Documents listed in this section have been incorporated by reference into this part. The Director of the Federal Register approved the incorporation by reference as prescribed in 5 U.S.C. 552(a) and 1 CFR part 51. Anyone may inspect copies at the U.S. EPA, Air and Radiation Docket and Information Center, 1301 Constitution Ave., NW., Room B102, EPA West Building, Washington, DC 20460, (202) 566-1744, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(a) *IMO material*. This paragraph (a) lists material from the International Maritime Organization that we have incorporated by reference. Anyone may purchase copies of these materials from the International Maritime Organization, 4 Albert Embankment, London SE1 7SR, United Kingdom, or <http://www.imo.org>, or 44-(0)20-7735-7611.

(1) Revised MARPOL Annex VI, Regulations for the Prevention of Air Pollution from Ships, and NO_x Technical Code 2008, 2009 edition.

(i) Revised MARPOL Annex VI, Regulations for the Prevention of Pollution

from Ships (“2008 Annex VI”); IBR approved for § 1043.1, 1043.20, 1043.30(f), and 1043.60(c), and 1043.70(a).

(ii) NO_x Technical Code 2008 (“NO_x Technical Code”); IBR approved for §§ 1043.20, 1043.41(b) and (h), and 1043.70(a).

(2) [Reserved]

(b) [Reserved]

PART 1045—CONTROL OF EMISSIONS FROM SPARK-IGNITION PROPULSION MARINE ENGINES AND VESSELS

Subpart A—Overview and Applicability

Sec.

1045.1 Does this part apply for my products?

1045.2 Who is responsible for compliance?

1045.5 Which engines are excluded from this part’s requirements?

1045.10 How is this part organized?

1045.15 Do any other CFR parts apply to me?

1045.20 What requirements apply to my vessels?

1045.25 How do the requirements related to evaporative emissions apply to engines and their fuel systems?

1045.30 Submission of information.

Subpart B—Emission Standards and Related Requirements

1045.101 What exhaust emission standards and requirements must my engines meet?

1045.103 What exhaust emission standards must my outboard and personal watercraft engines meet?

1045.105 What exhaust emission standards must my sterndrive/inboard engines meet?

1045.107 What are the not-to-exceed emission standards?

1045.110 How must my engines diagnose malfunctions?

1045.112 What are the standards for evaporative emissions?

1045.115 What other requirements apply?

1045.120 What emission-related warranty requirements apply to me?

1045.125 What maintenance instructions must I give to buyers?

1045.130 What installation instructions must I give to vessel manufacturers?

1045.135 How must I label and identify the engines I produce?

1045.140 What is my engine’s maximum engine power?

1045.145 Are there interim provisions that apply only for a limited time?

Subpart C—Certifying Engine Families

1045.201 What are the general requirements for obtaining a certificate of conformity?

1045.205 What must I include in my application?

1045.210 May I get preliminary approval before I complete my application?

1045.220 How do I amend the maintenance instructions in my application?

1045.225 How do I amend my application for certification to include new or modified engines or change an FEL?

1045.230 How do I select engine families?

1045.235 What emission testing must I perform for my application for a certificate of conformity?

1045.240 How do I demonstrate that my engine family complies with exhaust emission standards?

1045.245 How do I determine deterioration factors from exhaust durability testing?

1045.250 What records must I keep and what reports must I send to EPA?

1045.255 What decisions may EPA make regarding my certificate of conformity?

Subpart D—Testing Production-Line Engines

1045.301 When must I test my production-line engines?

1045.305 How must I prepare and test my production-line engines?

1045.310 How must I select engines for production-line testing?

1045.315 How do I know when my engine family fails the production-line testing requirements?

1045.320 What happens if one of my production-line engines fails to meet emission standards?

1045.325 What happens if an engine family fails the production-line testing requirements?

1045.330 May I sell engines from an engine family with a suspended certificate of conformity?

1045.335 How do I ask EPA to reinstate my suspended certificate?

1045.340 When may EPA revoke my certificate under this subpart and how may I sell these engines again?

1045.345 What production-line testing records must I send to EPA?

1045.350 What records must I keep?

Subpart E—In-Use Testing

1045.401 What testing requirements apply to my engines that have gone into service?

1045.405 How does this program work?

1045.410 How must I select, prepare, and test my in-use engines?

1045.415 What happens if in-use engines do not meet requirements?

1045.420 What in-use testing information must I report to EPA?